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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,005	10/25/2000	Albert Evaraerts	56117 USA 1A	4526

7590

05/06/2002

Attention Lisa M McGeehan
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EXAMINER

GALLAGHER, JOHN J

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 05/06/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/697005

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 26
- ☐ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. Applicants' Preliminary Amendment, filed 22 March 2001, has been received and made of record.

2. Claims 10 and 16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Specifically, it is felt that something along the lines of "polymer" or "copolymer" or "resin" should be inserted after "(meth)acrylic" in line 3 of each of these claims, this last recited term being seen to be incomplete as now presented.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lohse taken in combination with McGrath et al.

Lohse discloses that it is known to employ an initially (i.e. at room temperature) non-tacky but ultimately heat activatable to a (delayed tack) tacky state resinous adhesive

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(e.g. (meth)acrylates, olefins, styrene copolymers etc.) in combination with a compatible solid plasticizer therefor to form an adhesive composition, which (a) plasticizer (1) may be either admixed with or applied (e.g. dusted) onto the resinous adhesive; and (2) apparently contributes to the development of tack in the resinous adhesive; and (b) composition may be applied to an (e.g. paper substrate) backing to form a tape or label which is subsequently adhered to another substrate. (Abstract, column 1 lines 35-43, 56-58 and N.B. lines 63-67, column 3 line 44 thru column 4 line 12, column 5 lines 33 and 53-60, column 6 lines 6-7 and 71-75).

McGrath et al. disclose a heat activatable, delayed tack adhesive composition of the type and similar to those of Lohse (Abstract, column 1 line 29 thru column 2 line 28, column 3 lines 34-38 and 58-64, column 4 lines 22-48) such that it would have been obvious to one of ordinary skill in this art to employ the plasticizer component of Lohse for its documented, beneficial tack contributing function and result in/in conjunction with the invention (i.e. adhesive composition) of McGrath et al.; further along this line note that McGrath et al. fairly and clearly provide (N.B. column 4 lines 22-35) for the inclusion of other i.e. known and conventional) additives (under which heading the plasticizers of Lohse are held to certainly be encompassed) in their compositions; in similar manner, it would have been obvious

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to one so skilled to employ the (over tackified) adhesive of McGrath et al. in the process of Lohse in place of the corresponding, analogous adhesive employed therein, mere substitution of one known initially non-tacky but ultimately usefully tackified adhesive for another (and in/from a most similar if not identical environment) being involved. Finally, regarding article-by-process claims 17-18, N.B. MPEP § 706.03(e).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ~~305-3599~~ ⁸⁷²⁻⁹³¹⁰.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.

JJG
JJGallagher:cdc

April 22, 2002


JOHN J. GALLAGHER
PRIMARY EXAMINER
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